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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,511	09/12/2003	Mon-Sheng Lin	BHT-3106-292	5630

7590 01/27/2004  
TROXELL LAW OFFICE PLLC  
Suite 1404  
5205 Leesburg Pike  
Falls Church, VA 22041

EXAMINER

ABDELWAHED, ALI F

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/660,511

**Applicant(s)**

LIN, MON-SHENG

**Examiner**

Ali Abdelwahed

**Art Unit**

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it contains legal phraseology such as: "said". Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "about" in claims 1 and 10 is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the

art would not be reasonably apprised of the scope of the invention. The thickness of the container has been rendered indefinite by the use of the term.

Claim(s) 2-9, 11, and 12 depend from rejected claim(s) 1 and 10, respectively, and include all of the limitations of claim(s) 1 and 10 thereby rendering these dependent claim(s) indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,386,935 B1 to Lin in view of U.S. Patent No. 6,132,125 to Lin.

Lin '935 discloses a bubble blower comprising a container (1) holding a bubble solution, and a bubble-blowing bar for blowing the bubble solution into bubbles, the bubble-blowing bar comprising a handle (see figs. 2-6) and a bubble-blowing element (9) at one end of the handle, and is formed of two flat cover plates joined together and defining a flat liquid chamber adapted to hold the bubble solution (see figs. 3-6) and an opening through which the bubble-blowing bar is insertable into the flat liquid chamber to pick up the bubble solution (see fig. 2); and the container has an open frame (2)

Art Unit: 3712

disposed at an outer side and defining a coupling groove for holding a card (see figs. 2-6); and the container has a backboard (5) fixedly fastened thereto; and the container has a plurality of recessed portions at one side thereof (see fig. 8).

However, Lin '935 fails to disclose the container having a thickness within about 2-6mm, and a rubber stopper fixedly fastened to the handle and spaced above the bubble-blowing element and adapted to seal the opening of the container after insertion of the bubble-blowing element of the bubble-blowing bar into the container.

Nevertheless, it would have been an obvious matter of design choice to modify the device of Lin '935 to provide the container with a thickness within about 2-6mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Furthermore, Lin '125 teaches a bubble blower comprising a rubber stopper (311') fixedly fastened to the handle and spaced above the bubble-blowing element and adapted to seal the opening of the container (see figs. 8-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lin '935, in view of Lin '125, such that it would provide the device of Lin '935 with a rubber stopper for the purpose of enhancing the seal between the bubble-blowing element and the container.

Claims 1, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,386,935 B1 to Lin in view of U.S. Patent No. 6,524,155 B1 to Lin.

Lin '935 discloses the claimed invention except for the container having a thickness within about 2-6mm, and the container having one side fixedly provided with an ornament. However, it would have been an obvious matter of design choice to modify the device of Lin '935 to provide the container with a thickness within about 2-6mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Furthermore, Lin '155 teaches a bubble blower comprising a container having one side fixedly provided with an ornament (see figs. 5-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lin '935, in view of Lin '155, such that it would provide the device of Lin '935 with a container having one side fixedly provided with an ornament for the purpose of enhancing the aesthetic effect of the device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

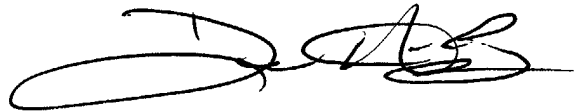
Application/Control Number: 10/660,511

Page 6

Art Unit: 3712

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA  
01/23/2004

A handwritten signature in black ink, appearing to read 'D. Banks', with a large, stylized initial 'D' and a flourish at the end.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700